



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

|  |             |                      |                                 |                             |
|--|-------------|----------------------|---------------------------------|-----------------------------|
| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.            |
| 10/606,471   | 06/25/2003  | Abram Katz           | 13425-115001 / BV-1025<br>US    | 3516                        |
| 26161 7590 07/29/2009<br>FISH & RICHARDSON PC<br>P.O. BOX 1022<br>MINNEAPOLIS, MN 55440-1022 |             |                      | EXAMINER<br>LILLING, HERBERT J  |                             |
|  |             |                      | ART UNIT<br>1657                | PAPER NUMBER                |
|  |             |                      | NOTIFICATION DATE<br>07/29/2009 | DELIVERY MODE<br>ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO.    |
|---------------------------------|-------------|---|------------------------|
| 10606471                        | 6/25/03     | KATZ ET AL.                                       | 13425-115001 / BV-1025 |

US

FISH & RICHARDSON PC  
P.O. BOX 1022  
MINNEAPOLIS, MN 55440-1022

**EXAMINER**

HERBERT J. LILLING

| ART UNIT | PAPER    |
|----------|----------|
| 1657     | 20090726 |

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

A shortened statutory period for reply to this action is set to expire ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this letter.

Receipt is acknowledged of an amendment filed June 17, 2008 which was to a response filed March 19, 2008 [a non-final rejection] which previously Examiner's office action of August 29, 2009 was also a non-final rejection.

The present file wrapper does not indicate at all any Final Rejection since the RCE that was filed on November 27, 2006 which was a response to the Final Rejection of May 26, 2006.

In the "Remarks" as submitted on June 17, 2008, Applicant states the following which bold remarks required a further explanation by Applicant to clarify the record:

"The present Office Action was made final and contains several new grounds of rejection (asserted lack & written description, lack of enablement, indefiniteness, and anticipation) and a new objection (asserted informalities of selected claims). The present Office Action contains no statement as to why a final action was believed to be proper in this instance. In view of the introduction of new grounds of rejection that were neither necessitated by applicants' amendment of the claims nor based on information submitted in an information disclosure statement, applicants request that the finality of the present Office Action be withdrawn."

The current record appears not to have any Final Rejection since the Final Rejection prior to the current RCE. Applicant is kindly requested to correct the current record which is missing ".present Office Action was made final.." by providing a copy of that action that is missing or to correct the remarks since this Examiner cannot go forward until this situation has been clarified for the record especially if an office action is missing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HERBERT J. LILLING whose telephone number is 571-272-0918. The examiner can normally be reached on WORK AT HOME MAXIFLEX.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JON WEBER can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR)

system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.J.Lilling: HJL

(571) 272-0918

Art Unit 1657

July 26, 2009

/HERBERT J LILLING/  
Primary Examiner Art Unit 1657